State Public Charter School Commission 1111 Bishop Street, Suite 516 Honolulu, HI 96813

Re: Montessori of O'ahu Public Charter School

Dear Commissioners:

Thank you for the very open and candid hearing before the Applications Committee on April 24. We write today in response to a request that we clarify certain points raised at the hearing for the Commission's benefit in advance of the general meeting on May 8.

Regarding our enrollment or admissions policy, our Application set forth a process in which certain students would have an admission preference based on any of the following criteria: siblings of current students; children of staff; children of "founding families"; and children with at least one full year of Montessori experience. See Application, Appendix J. The Evaluation Team expressed concern with certain aspects of the proposed enrollment preference. In particular, the preference for "founding families". While there is precedent for this preference within many other Charter schools in Hawai`i, the Working Group has carefully considered the Commission's feedback and omitted it from the revised policy attached. As ever, we remain committed to our mission of providing a high-quality publicly accessible Montessori school for all families on O`ahu.

In addition, and as set forth in the Evaluation Team's Recommendation Submittal, the preference for children with Montessori experience caused concern, in that it may select for children of higher income families. At the April 24 hearing, we were asked for information demonstrating that similar preferences have been approved in other jurisdictions. We found a number of schools that appear to have been granted charters with similar preferences, compiled a spreadsheet containing basic information about the schools, the preference, and the applicable state law (so far as we have been able to

determine), and provided this to the State Public Charter School Commission staff via email on Friday, May 2. We have also included this as part of our written testimony today.

We were also asked to consider whether our proposed admission policy is consistent with State law. In addressing the Commission's concern in this regard, we once again reiterate that our goal is to create a public Montessori school, with all that entails. It is not our intent to make it difficult for any interested parent to send their child to our school. At the same time, we respectfully ask the Commission to recognize that our goal is to create a public Montessori school. Our experience and the experience of other practitioners with Montessori education has demonstrated to us the difficulty of providing a high-quality Montessori classroom when a large proportion of the students (and their families) have no prior experience with or understanding of what is, for them, a new and perhaps unusual pedagogy and environment.

We have considered (as we are certain the Commission has as well) the legal framework in which the Commission must make its determinations. The section of Chapter 302D, H.R.S., governing "Enrollment", Section 302D-34, provides that a start-up charter school may "give an enrollment preference to students within a given age group or grade level and may be organized around a special emphasis, theme, or concept as stated in the charter school's application and as approved by the charter school's authorizer", and may also "give any other enrollment preference permitted by the charter school's authorizer, on an individual charter school basis, if consistent with law." We believe that the foregoing indicates that the Legislature has vested significant discretion with the Commission to determine whether a given proposed enrollment preference is permissible; and that the Legislature has expressly recognized that a school's "special emphasis, theme, or concept" may, at least in limited ways, be reflected in its admission policy.

We have thought long and hard about how best to reconcile our desire for a thriving Montessori classroom and our commitment to equally serve all children on O`ahu. Accordingly, we request that the Commission consider the revised admission policy set forth in the attached "Revised Appendix J," and that our Application be deemed amended to replace the original "Appendix J" with the attached.

¹ Of course, the examples we found were approved under non-Hawaii law. It is worth noting that we found a number of schools in California with Montessori-experience preferences. California's statutory framework for charter approval contains even less guidance than Hawaii's, noting only that "other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law." Cal. Ed. Code. § 47605(d)(2)(B).

The revised admission policy contains no preference for students with Montessori experience after a three-year "start-up" period.² In the first three years of operation as a charter school, the school will have an enrollment preference for students with at least one year of Montessori experience within the prior three years for all grades, not to exceed 80% of available spots. The start-up period will be used to establish the pedagogical foundation of the school. From the school's fourth year on, the school will take applications from three year olds primarily, without regard for prior Montessori experience. Students selected by the lottery will be offered admission to both (1) the affiliated private program, for so long as the private program is necessary as a result of the State's failure to fund public education for three and four year olds³, and (2) the public charter school's first-funded year at the appropriate year thereafter. Enrollment in the public charter school is not contingent upon attendance at the private program – children selected at age three are guaranteed admission to the charter school, whether or not they attend the private program. We will, however, require all parents to attend at least three free parent education workshops per year. We will make every reasonable effort to schedule the workshops so that all interested families can attend at least three workshops, and we will waive this requirement in the event of a demonstrated hardship. If spots become available in the Elementary programs, applications will only be accepted for entry to 1st and 4th grade, the first year of the three-year Montessori cycle for Lower Elementary (1st-3rd) and Upper Elementary (4th-6th).

We believe that our revised admission policy is consistent with State law. We also believe it to be consistent with our goal of providing authentic AMI Montessori education. We respectfully request that the Commission consider and approve the policy, and our Application as a whole.

Sincerely,

Michael Lawrence Gallagher Chair, Montessori of O`ahu Foundation

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² The revised enrollment policy continues to include, in both the start-up phase and thereafter, a preference for siblings of currently enrolled students [and for children of staff/founders?]

³ As we have said, we will also make every effort to find scholarship or grant money to assist families with tuition at the affiliated private school. Also, our intent is to close this school as soon as State education funding is extended to three and four year old children.

Montessori of O'ahu Public Charter School (Mo'O PCS) Admissions Policy

Goals

- To positively contribute to the Mo`O PCS's mission by ensuring that the school culture and environment are consistent from year-to-year and observe Montessori best practices.
- To provide a framework for admission that ensures retention, strengthens families, and provides broad access to Montessori.
- To ensure that families are cognizant and supportive of the Montessori approach to education prior to the enrollment of their child.
- To comply with all applicable laws.

Definitions

- "Charter School" means the Montessori of O`ahu Public Charter School.
- "First Funded Year" means Kindergarten, until such time as the State of Hawai`i provides funding to charter holding schools on a per pupil basis for children younger than 5. At such time, the First Funded Year will become the age at which such funding is made available, or 3, whichever is greater.
- "Governing Board" refers to the Governing Board of the Charter School.
- "DOE" refers to the Hawai'i State Department of Education.

Admissions Process

- 1. A parent or legal guardian attends a free parent education session. This requirement may be waived if it represents a true hardship for a parent or family.
- 2. A parent or legal guardian attends one classroom observation. This requirement may be waived if it represents a true hardship for a parent or family. This requirement will be waived for all applicants for Year 1.
- 3. The Governing Board sets admissions targets for each age at which new students are to be accepted based on available space and staffing capacity.
- 4. A parent or legal guardian submits a written application on or before February 15. If steps 1 and 2 have been completed, a spot at Mo`O PCS may be offered if the number of spaces does not exceed the number of applicants. If, however, the number of applicants exceeds the number of available spots at a given entry point, the applicants will participate in a lottery.
- 5. If needed, the lottery will be held during the first week of April to fill available spots at Mo'O PCS for the following school year.
- 6. Any student who is, or will be, 3 years of age or older on, or before, the cutoff date set by the DOE for Kindergarten enrollment may enter a lottery for the First Funded Year for

which they are eligible.¹ Names of all timely applicants will be randomly ordered on a list for future enrollment. This list shall carry over and may be added to during each subsequent lottery process until such time as listed students are eligible for admission to the First Funded Year. At that time, admissions will be offered in the order dictated by the list. For children older than the First Funded Year, no such list shall carry over from year-to-year.

- 7. For 3 and 4 year old listed students, maintenance of their position on the list is dependent upon a parent or legal guardian attending at least 3 free parent education sessions each year preceding the First Funded Year. This requirement may be waived if it represents a true hardship for a parent or family.
- 8. If the number of available spots for a given entry point exceeds the number of applicants, all applicants will be offered admission and applications for that entry point will continue to be accepted on a rolling basis until May 15th or later at the discretion of the Governing Board.
- 9. A parent or legal guardian accepts admission of their child to Mo`O PCS, in writing, on or before May 31st. Those who do not accept, lose their place and must re-apply.

Entry Points

For Years 1, 2, and 3, enrollment shall be offered based on the procedures above and subject to the preferences below to:

• Students of all grade levels from the First Funded Year through 6th grade. Enrollment targets shall be set annually by the Governing Board.

Following the Start-Up phase, for Year 4 and thereafter, enrollment shall be offered based on the procedures above and subject to the preferences below to:

- Any student who is eligible for admission to the First Funded Year.
- Students entering 1st and 4th grades.² Enrollment targets shall be set annually by the Governing Board.

Admissions Preferences

For Years 1, 2, and 3, the following admissions preferences shall be offered.

In Year 1, preference will be given to:

- 1. Children with Montessori experience of at least one full year within the last 3 years consistent with HRS Section 302D-34 (6). This preference may be used for no more than 80% of available spots and will be offered to establish the pedagogical foundation of the school.
- 2. Children of staff.

¹ For example, if a student must be 5 years old by September 1, 2015 in order to enroll in kindergarten for the 2015-2016 school year, then any child who is 3 on, or before, September 1, 2015 may enter the lottery.

² An exception may be made for the children of staff who may be allowed to enter at any point from the First Funded Year to 6th grade upon the hiring of said staff.

For Years 2 and 3, the following ordered preferences shall apply:

- 1. All returning students consistent with HRS Section 302D-34 (5).
- 2. Siblings of any returning students consistent with HRS Section 302D-34 (5).
- 3. Children with Montessori experience of at least one full year within the last 3 years consistent with HRS Section 302D-34 (6). This preference may be used for no more than 80% of available spots and will be offered to establish the pedagogical foundation of the school.
- 4. Children of staff.

Following the Start-Up phase, in Year 4 and thereafter, Mo`O PCS shall only give admissions preference to:

- 1. All returning students consistent with HRS Section 302D-34 (5).
- 2. Siblings of any returning students consistent with HRS Section 302D-34 (5).
- 3. Children of staff.

Charter Schools in the U.S. with Enrollment Preference for Students with Prior Montessori Experience

State Law Regarding Charter School Enrollment Policy	School Name Address Telephone	Year Est.	Enrollment Preference (Source)
California Education Code: Section 47605.6. (e) (2) (B): If the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the county except as provided for in Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.	California Montessori Project Capitol Campus 2635 Chestnut Hill Dr. Sacramento, CA 95826 (916) 325-0910 California Montessori Project Elk Grove Campus	2000	Enrollment preferences in the case of a public random drawing shall be allowed in the following order: 1. Siblings of existing students or CMP graduates 2. Children of staff 3. Inter-campus transfers 4. Children who have at least one-year prior Montessori experience (public or private) 5. District residents 6. All other applicants (http://www.cacmp.org/download.axd?file=323b3392-89f5-465c-86f0-9faadad86041&dnldType=Resource) Enrollment preferences in the case of a public random drawing shall be allowed in the following order:
	9649 Bradshaw Rd & 8828 Elk Grove Blvd Elk Grove, CA 95624 (916) 714-9699		 Siblings of existing students or CMP graduates Children of staff Inter-campus transfers Children who have at least one-year prior Montessori experience (public or private) District residents All other applicants (http://www.cacmp.org/download.axd?file=f926a2d5-1565-4401-8f1e-32bf0569bcc1&dnldType=Resource)
	California Montessori Project American River Campus 6838 Kermit Lane Fair Oaks, CA 95628	2000	Enrollment preferences in the case of a public random drawing shall be allowed in the following order: 1. Siblings of existing students or CMP graduates 2. Children of staff 3. Inter-campus transfers

Montessori of Oʻahu 1 of 9

State Law Regarding Charter School Enrollment Policy	School Name Address Telephone	Year Est.	Enrollment Preference (Source)
	(916) 864-0081		4. Children who have at least one-year prior Montessori experience (public or private) 5. District residents 6. All other applicants (http://www.cacmp.org/download.axd?file=20d890be-d9c0-4c48-8965-72df0d444705&dnldType=Resource)
	California Montessori Project Carmichael Campus 4718 Engle Rd. Carmichael, CA 95608 (916) 971-2430	2000	Enrollment preferences in the case of a public random drawing shall be allowed in the following order: 1. Siblings of existing students or CMP graduates 2. Children of staff 3. Inter-campus transfers 4. Children who have at least one-year prior Montessori experience (public or private) 5. District residents 6. All other applicants (http://www.cacmp.org/download.axd?file=20d890be-d9c0-4c48-8965-72df0d444705&dnldType=Resource)
	California Montessori Project Orangevale Campus 6545 Beech Ave. Orangevale, CA 95662 (916) 673-9389	2000	Enrollment preferences in the case of a public random drawing shall be allowed in the following order: 1. Siblings of existing students or CMP graduates 2. Children of staff 3. Inter-campus transfers 4. Children who have at least one-year prior Montessori experience (public or private) 5. District residents 6. All other applicants

Montessori of Oʻahu 2 of 9

State Law Regarding Charter School Enrollment Policy	School Name Address Telephone	Year Est.	Enrollment Preference (Source)
	California Montessori Project Shingle Springs Campus 4645 Buckeye Rd. Shingle Springs, CA 95682 (530) 672-3095	2000	Enrollment preferences in the case of a public random drawing shall be allowed in the following order: 1. Siblings of existing students or CMP graduates 2. Children of staff 3. Inter-campus transfers 4. Children who have at least one-year prior Montessori experience (public or private) 5. District residents 6. All other applicants (http://www.cacmp.org/download.axd?file=43024f75-10d0-4b7e-850e-dd7a1b5e5f58&dnldType=Resource)
	Maria Montessori Charter Academy 1850 Wildcat Blvd. Rocklin, CA 95765 (916) 630-1510	2000	Year one: Preference is given to enrolled students, siblings of enrolled students, students with Montessori experience and Rocklin residents. If oversubscribed, students will be admitted by a lottery system. After Year One: 1. Existing MMCA students (re-enrollment forms due by February 15th). 2. Siblings of existing MMCA students (re-enrollment/enrollment forms due by February 15th). 3. MMCA staff children. 4. Board of Directors' children. If there is remaining space in a grade level after this criteria has been met, a lottery will be held for the remaining positions. 5. Children with verifiable (letter from school director) Montessori education experience (no less than one full academic year in previous three calendar years) will have weighted preference – not to exceed 50% of spots available. 6. Rocklin Residents. 7. Placer County Residents

Montessori of Oʻahu 3 of 9

State Law Regarding Charter School Enrollment Policy	School Name Address Telephone	Year Est.	Enrollment Preference (Source)
	The Grove School 200 Nevada Street Redlands, CA 92373 (909) 798-7831	1999	In the event that the number of students seeking admission exceeds the Charter School's maximum enrollment the Grove School shall grant preference in the lottery to students in the following order: 1. Children of The Grove School faculty who are residents of the District 2. Children of The Grove School faculty who are not residents of the District 3. Siblings of current students at The Grove School who are residents of the District 4. Siblings of current students at The Grove School who are not residents of the District 5. Students who reside within the attendance boundaries of Mission Elementary School 6. Students with prior Montessori experience who are residents of the District 7. Students with prior Montessori experience who are not residents of the District 8. All other District residents 9. All other applicants (http://thegroveschool.org/wp-content/uploads/2009/07/Grove-Charter-2014.pdf)
	Montessori Del Mar Learning Center 22850 N Hwy 1 Fort Bragg, CA 95437 (707) 964-7311	2007	Priority for enrollment is given to students with prior Montessori experience, siblings of current students, or previously enrolled, returning students. (http://montessoridelmar.org/admissions.html)

Montessori of Oʻahu 4 of 9

State Law Regarding Charter School Enrollment Policy	School Name Address Telephone	Year Est.	Enrollment Preference (Source)
Colorado Revised Statute: 22-30.5-104 (3) A charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or need for special education services. A charter school shall be subject to any court-ordered desegregation plan in effect for the chartering school district. Enrollment in a charter school must be open to any child who resides within the school district; except that no charter school shall be required to make alterations in the structure of the facility used by the charter school or to make alterations to the arrangement or function of rooms within the facility, except as may be required by state or federal law. Enrollment decisions shall be made in a nondiscriminatory manner specified by the charter school applicant in the charter school application.	DCS Montessori Charter School 311 Castle Pines Pkwy. Castle Pines CO 80108 (303) 387-5625	1997	 All current DCSM students maintain their enrollment. The lottery process fills vacancies. For students in the lottery, preference is given in the following situations and order: Siblings will be given preference if a space is available in a particular grade. If a sibling space is offered, and accepted, and later declined by the parent, or the student is withdrawn, the student is no longer eligible for sibling preference for future years. Students entering 1st grade and higher who send proof of prior Montessori education will be given preference depending on the number of years of Montessori experience. Staff member children will be given preference not to exceed 10% of the population of the school, with in-district accepted first, followed by those out-of-district. Students who do not meet any of the above criteria will be accepted based on space availability in a particular grade level with in-district students being accepted first and out-of-district students being accepted second. (http://dcsmontessori.org/admissions/faq/enrollment-faq/)
	Denison Montessori 1821 S. Yates St. Denver, CO 80219 (720) 424-8080	1996	 All Applicants are prioritized in the following way: Currently-attending students at Denison (guaranteed) Students who have a currently-attending sibling at Denison. Within this group, students are prioritized in the following way: (a) Applicants with previous Montessori experience, (b) Applicants without previous Montessori experience Child of a Full-Time Employee or Staff member Applicants with previous Montessori experience. Within this group, students are prioritized in the following way: (a) Denver residents with Montessori experience. Applicants without previous Montessori experience. Within this group, students are prioritized in the following way: (a) Denver residents. (b) Non-Denver residents. (http://denison.dpsk12.org/wp-content/uploads/2011/04/Denison_2014-2015.pdf)

Montessori of Oʻahu 5 of 9

State Law Regarding Charter School Enrollment Policy	School Name Address Telephone	Year Est.	Enrollment Preference (Source)
	Lincoln Elementary, A Distinguished Traditional and Montessori School 710 S. Pennsylvania St. Denver, CO 80209 (720) 424-5990	2003	"Our Montessori program follows a curriculum based on the teachings of Maria Montessori. Students enter Lincoln's Montessori Program at 3 years of age. The program is tuition-based for 3, 4 and 5 year olds. There is no cost for Grades 1– 6. Students older than 5 years who are new to the school can apply to be in the Montessori Program if they have previous Montessori experience. Montessori classrooms are multi-age settings with 3 grade levels in one room. Class size is limited at 30." (http://lincoln.dpsk12.org/montessori-curriculum/)
	St. Vrain Community Montessori School 1055 Delaware Ave. Longmont, CO 80501 (303) 682-4339	2009	 Enrollment priority is given in the following order: Currently enrolled returning K-6 SVCMS Students Children who attended preschool at SVCMS for at least one year prior to entering Kindergarten, first come, first served Siblings of Admitted SVCMS (K-7) Students. Children of SVCMS staff, consideration may be given to FTE status. Children of current or former SVCMS Board members who completed at least one term, based on first come, first served. Children with at least one year of prior Montessori experience from schools with credentialed Montessori guides prior to the year in which they will enter Kindergarten, based on first come, first served. Credentialed Guides must have earned a credential from a MACTE accredited program. All District Residents, based on first come, first served. All non-District Residents, based on first come, first served. (http://www.svcmontessori.org/enroll)

Montessori of Oʻahu 6 of 9

State Law Regarding Charter School Enrollment Policy	School Name Address Telephone	Year Est.	Enrollment Preference (Source)
Connecticut General Statue: § 10-66bb (2012) (d)(8)(D) ensure that the school complies with the provisions of section 10-15c and that it does not discriminate on the basis of disability, athletic performance or proficiency in the English language, provided the school may limit enrollment to a particular grade level or specialized educational focus and, if there is not space available for all students seeking enrollment, the school may give preference to siblings but shall otherwise determine enrollment by a lottery, except the State Board of Education may waive the requirements for such enrollment lottery pursuant to subsection (j) of this section;	Elm City Montessori 375 Quinnipiac Ave. New Haven, CT 06513 203-903-4031	2014	Enrollment and Managed Growth: "Any family who (a) is committed to Montessori education and (b) resides in New Haven may apply for admission to Elm City Montessori School. In our first year, 69 seats will be open for our Primary/Early Childhood program. Children must be three, four or five years of age by January 1 of the upcoming year to be eligible for admission. In subsequent years, we anticipate opening between 30 and 42 slots for children ages 3 and 4." (http://elmcitymontessori.org/ecms-the-plan/)
Delaware code: Title 14, § 506(b) (3) (c). Students who have a specific interest in the school's teaching methods, philosophy, or educational focus;	First State Montessori 1000 French St. Mailing: P.O. Box 9665, Wilmington, DE, 19809 (520) 250-1897	2014	FSMA will enroll all children up to the maximum permitted by this Charter. In the case of applications exceeding the number of available spots, FSMA will give preference in enrollment to: 1. Children of the Founders of FSMA, but not more than 5% of the school's total population 2. Children of permanent employees of FSMA who work at least 30 hours per week at the school during the school year 3. Siblings of students currently enrolled at FSMA 4. Students whose families have demonstrated a specific interest in a Montessori education through informative events throughout the school year and the summer and/or previously attending a Montessori school 5. Students residing within a 5-mile radius of the school. (https://www.doe.k12.de.us/infosuites/schools/charterschools/files/FSMontAPPL2012.pdf)

Montessori of Oʻahu 7 of 9

State Law Regarding Charter School Enrollment Policy	School Name Address Telephone	Year Est.	Enrollment Preference (Source)
Florida Statute: 1002.33(10)(e)(5) Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school's mission and purpose. Such standards shall be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals.	Lakeland Montessori Schoolhouse 1124 N. Lake Parker Ave. Lakeland, FL 33805 (863) 413-0003 Lakeland Montessori Middle School at Polk Museum of Art 800 East Palmetto St. Lakeland, FL 33801 (863) 413-0003	2005	 Students that have attended sixth grade at the private Lakeland Montessori preschool receive automatic entrance to kindergarten at Lakeland Montessori Schoolhouse. (http://lakelandmontessori.com/admissions/) Enrollment preference: Students that have attended sixth grade at the public Lakeland Montessori Schoolhouse receive automatic entrance to seventh grade at Lakeland Montessori Middle at the Polk Museum of Art. Online application does ask if student has prior Montessori experience and what school was attended. Then also subject to "Snapshot Process" to determine eligibility. Enrollment Preferences: The following eligible students will have preference in admission, assuming that at no point these preferences are more than a small percentage of the school, as per federal guidelines:
	Magnolia Montessori Academy 1540 New Jersey Rd. Lakeland, FL 33803 863.797.4991	2013	 Enrollment: Eligible students with previous Montessori school experience, preschool and/or elementary, in fulfillment of our Montessori school mission, however this is not a requirement for enrollment. Students residing in Polk county, and who submit a timely application, unless number of applications exceeds the capacity of our program, class, grade level, or facility. In such cases, all applicants shall have an equal chance of being admitted through the random selection process of a lottery. Students who are siblings of a student enrolled in MMA.

Montessori of Oʻahu 8 of 9

State Law Regarding Charter School Enrollment Policy	School Name Address Telephone	Year Est.	Enrollment Preference (Source)
			Students who are the children of a member of the governing board, or an employee of MMA. (http://magnoliamontessoriacademy.com/mma/ or http://www.polk-fi.net/districtinfo/departments/learning/charter/documents/MagnoliaMontessoriAcademy.pdf)
	St. Augustine Public Montessori School 7 Williams Street St. Augustine, FL 32084 (904)-342-5350	2012	Enrollment is open to all St. Johns County residents with children in grades 1– 6. Should applications exceed available capacity, preference is given in the following order: 1. Siblings of currently enrolled students, 2. Children of a member of the governing board of the school, 3. Children of a SAPMS employee, 4. Children with documented prior Montessori experience. Montessori experience must be documented by a letter and /or student record from a Montessori school with a certified Montessori teacher. 5. (http://www.staugustinemontessori.com/files/CharterAppPartsl_II_III_Final.pdf and http://www.staugustinemontessori.com/apply.htm)

Montessori of Oʻahu 9 of 9